

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of Subpart D of)
Part 68 of the FCC's Rules)
and Regulations)

CC Docket No. 96-28
RM - 8621

COMMENTS

The Telecommunications Industry Association ("TIA") User Premises Equipment Division ("UPED") hereby submits these Comments in response to the FCC's Notice of Proposed Rulemaking in the matter of Amendment of Part 68 of the Commission's Rules ("NPRM"), released February 29, 1996, FCC 96-39. This NPRM is in response to the TIA Petition for Rulemaking ("Petition") to amend Subpart D of Part 68, 47 CFR §§68.300 - 68.318, and portions of 47 CFR §68.2 in order to harmonize Subpart D and the corresponding Sections of the Canadian certification regulations CS-03.

TIA UPED is pleased with the FCC's action to propose the changes requested in the TIA Petition. As the Commission noted in the NPRM, this is one step in the harmonization of technical requirements in North America. Additional steps must follow and a method to keep technical regulations harmonized must be

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implemented or all of the technical work will have been wasted if over time the technical regulations fall out of harmonization.

The NPRM was reviewed by the technical experts that were responsible for the preparation of the technical content of TIA's Petition at the recent Part 68 industry meeting in Fort Myers, Florida. During the course of that review, it was noticed that a number of errata-like items that appear to be oversights from the Petition attachments to the Commission's actual proposal had occurred in Appendix B of the NPRM. Those items are covered in Annex A to these Comments.

Grandfathering provisions must be in the final Rules.

In TIA's Petition, the issue of grandfathering of equipment registered to the current rules is discussed in the Petition at p. 9 and in Appendix A at p. 89. In Appendix A, suggested rule language §68.2(j) is provided to continue to allow sales and connections of equipment registered to the current rules without re-registration even after the new rules are effective. Since this TIA Petition is a harmonization-only effort, it does not substantively change the harm-to-the-network criteria in a significant way that would require manufacturers to possibly redesign, re-test, and re-register current equipment. Further, since this equipment has been demonstrated through its use over time to be harmless, there would be no value to going through the effort and expenses to re-register these products. In the final Appendix B of the NPRM, there is no proposed rule addressing the

issue of grandfathering current registrations, although the subject matter is discussed in the text of the NPRM at p. 8, para. 15. This may have been because in TIA's Petition, the proposed additional rule language on grandfathering which appeared in TIA's Appendix A was not included in TIA's Appendix B. However, it is felt that grandfathering is a significant issue to the industry and must be included in any final rules.

A method to keep the FCC's rules in harmony with other harmonized technical requirements must be developed.


As TIA noted in its Petition, years of technical work went into the harmonization effort included with the Petition. Almost another year passed while the FCC considered the merits of TIA's Petition before issuing the NPRM. Additional time will pass before a final order is released in this proceeding. The recent Report and Order on Integrated Services Digital Networks ("ISDN") modifications to Part 68 demonstrates that from start to finish the current regulatory cycle takes too long. If the U. S. Government has as a policy goal, harmonization of technical requirements in North America, in this hemisphere, and ultimately globally, then methods and procedures to keep harmonized technical requirements synchronized must be developed and used. Otherwise the years of effort directed to harmonization will have been wasted efforts if regulations harmonized at a point in time are allowed to become different requirements because of un-harmonized regulatory time lines.

CONCLUSION

This rulemaking is significant to future globalization of the industry and will set the stage for further work under the North American Free Trade Agreement "(NAFTA)" and activities implementing the Summit of the Americas because it would introduce similar technical requirements for registration and certification of terminal equipment in Canada and the United States. TIA requests that the Commission expeditiously proceed to amend its rules with the modifications noted herein and is ready to assist the Commission in the implementation of those changes.

Respectfully submitted,

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Annex A

1) The following editorial changes are requested for Appendix B of CC Docket No. 96-28, RM-8621:

Pg. 2: 68.302(b)(1) paragraph 2, sentence 1, should reference Figure 68.302(b) instead of 68.302(a), and Figure 68.302[©] instead of 68.302(b).

Pg. 6: All Figure titles should have the X removed from their reference to 68.302, e.g., 68.302(Xb) should read 68.302(b).

Pg. 7: 68.302(d)(1) paragraph 1, sentence 2, should reference Figure 68.302(b) instead of 68.302(a), and Figure 68.302[©] instead of 68.302(b).

Pg. 7: 68.302(d)(1)(I) first paragraph should read: "With the equipment in all states"

Pg. 9: 68.304(g)(1) first paragraph, end of last sentence should reference 68.306(e)(1) rather than 69.306(e)(I). Similarly, the last sentence of paragraph 2 should reference 68.306(e)(2) rather than 68.306(e)(ii).

Pg. 12: 68.306(a)(3)(I) and 68.306(a)(4) should have the words, "or the DC component shall not exceed 5 volts" removed from the statements with asterisks.

Pg. 13: 68.306(a)(6)(ii) first sentence should have the words, "(not over +5 volts)" moved to the point before the words, "with respect to ground" earlier in the same sentence.

Pg. 28: 68.308(e)(1)(I) the table should be revised so that the formulas in the middle column line up with the ranges of center frequencies in the left column.

Pg. 34: 68.308(h)(1)(I) should include the rate 38.4 kbps and exclude the rate of 64 kbps in the list of pulse repetition rates. The words, "per second" should be removed from the end of the same sentence.

Pg. 35: Table 68.308[©] should be revised to include two additional rows of information between Line Rate 25.6 and Line Rate 56. The first row should read: Line Rate, 38.4 kbps; User Data Rate, 38.4 kbps; Amplitude, 1.66 Volts. The second row should read: Line Rate, 51.2 kbps; User Data Rate, 38.4 kbps with SC*; Amplitude, 1.66 Volts.

Pg. 37: 68.308(h)(2)(ii) should have the lower case letter designation of paragraphs (a), (b), and © changed to the upper case letter designation, (A), (B), and (C), respectively. Paragraph 2 should also be revised in the second to last sentence so that “uniformity scaled” reads “scaled uniformly”.

Pg. 38: The title of the second half of Figure 68.308(b) should be left justified.

Pg. 40: The reference to Table 310-2 in the Table 68.310-1(a) should be replaced by reference to Table 68.310(b). The table itself should be entitled, Table 68.310(a). The first two sentences on page 40 reference Table 68.310-1, and should be changed to reference Table 68.310(a).

Pgs. 41/42/43: All of the numbering of the paragraphs should be changed from Roman numerals to integers. The sub paragraphs for paragraph 7 should be renumbered, from (A) to (I) and from (B) to (ii).

Pg. 43: 68.310(c), last sentence should be changed to omit the last words, “and 1.544 Mbps shall be 90 ohms.” The words, “1.544 Mbps and” should be added in the same sentence before the words, “substrate services”.

Pg. 46: The title for this figure should be changed so that there is a comma between R_i and Z_i as well as between R_{cal} and Z_o . Reference to Table 68.310-1 in both lines should be changed to reference Table 68.310(a).

Pg. 50: Figure 68.310(e) should be revised so that the labeling of the horizontal scale should terminate in 1.544 MHZ rather than 1..544 MHZ.

Pg. 56: 68.314(c)(1) sentence 1 should read: “200 Ohm resistance is connected across the tip . . .”

Pg. 56: 68.314(c)(2) sentence 1 should read, “Not decrease by more than 25 percent from its maximum value attained during this 5-second interval, unless the equipment is returned to the on-hook state during the above 5-second interval.”

Pg. 58: 68.314(g)(1)(ii)(E) sentence 2 should change so that the word, “be” follows the word, “reliably”.

Pg. 58: 68.318(b) the title should change to read, “*Registered terminal equipment with automatic dialing capabilities*”

Pg. 60: 68.3, the definition for DTMF should read “*DTMF: Dual Tone Multi Frequency (DTMF) network control . . .*”

2) In reviewing the copy of the NPRM provided to TIA via the FCC, it was noted that page 62 of NPRM Appendix A was blank.